

Tribal Policy of the Little Traverse Bay Bands of Odawa Indians for the Tribal Administration, the Surveillance Department, and the Little Traverse Bay Bands of Odawa Indians Police Department

The Tribal Council on this 19th day of January, 2003 adopts this express written policy to govern the relationship and protocol between the Surveillance Department ("Surveillance"), and the Little Traverse Bay Bands of Odawa Indians Police Department ("Tribal Police") to promote public safety and welfare, positive public relations, and the economic well-being of the Tribe.

RECITALS

Article VII of the Tribal Constitution, as specifically quoted in Section I of the Gaming Regulatory Statute (Waganakising Odawak Tribal Code § 7.401), authorizes and directs the Tribal Council "To manage any and all economic affairs and enterprises of the Bands and to engage in any business not contrary to federal law . . ." and "To establish and delegate to subordinate boards, organizations, cooperative associations, Bands officers, committees, delegates, or other Bands groups, any of the foregoing powers, reserving the right to review any action taken by virtue of such delegated power or to cancel any delegation." Pursuant to this express Constitutional authority, the Tribal Council has placed surveillance under the employment and management structure of the Tribal Governmental Administration. Management of the Tribal Governmental Administration rests in the hands of the Tribal Administrator. Accordingly, the Tribal Administrator has the power to promulgate policies and procedures with which all Little Traverse Bay Bands of Odawa Indian ("LTBB") Departments must comply.

REQUIREMENT FOR NOTIFICATION OF TRIBAL POLICE AND REQUIREMENT TO ASSIST TRIBAL POLICE IN CRIMINAL INVESTIGATIONS

1. The Surveillance Department is an arm of the Tribal Government.
2. The Surveillance Department is in the unique position to not only witness criminal activity within the Casino, but also to help the Tribal Police Department ("Police Department") in their investigation of potential criminal activity within the Casino.
3. The Surveillance Department has the duty to preserve and maintain all videotapes/CD ROM containing alleged criminal activities. Surveillance will do so by keeping the original videotape(s)/CD ROM out of rotation, on file and held under lock and key in the Surveillance Department until the Police Department notifies Surveillance in writing that the investigation of the alleged criminal activity is complete and the videotapes/CD ROM is no longer needed or until the Police Department rejects in writing their right to review dubs of the videotapes/CD ROM. If the Minimum Internal Control Standards as amended

require longer retention of the videotapes/CD ROM, then the Surveillance Department will abide by the longer of the two standards.

4. The Surveillance Department must turn over dubs of any videotapes/CD ROMs requested by the Police Department concerning an open criminal investigation. That request must be met as soon as possible, but no longer than eight hours after the initial request is made.
5. If a member of the Surveillance Department reasonably suspects that criminal activity *could be* in progress - first, Surveillance will bring as many cameras as is needed to completely cover the incident and continue to cover the entire incident without unreasonably compromising coverage throughout the remainder of the Casino. Second, the employee initially suspecting criminal activity in progress must immediately call the Police Department and report the incident giving rise to the employee's suspicions. The Police Department at its own discretion will then determine whether to investigate. If any employee in Surveillance has reason to believe that a patron of the Casino reported criminal activity on the Casino premises to any Tribal (including Enterprise) employee, the Surveillance employee must follow the protocol set out in this paragraph.
6. After the Surveillance employee reports the suspected criminal activity in progress to the Police Department, that employee should then immediately notify his/her supervisor (S-2 or higher) on duty. If no such supervisor is on duty, the operator will immediately notify a supervisor (S-2 or higher) by telephone that a criminal violation could be in progress and will verify that the Tribal Police have already been notified. If the employee does not report that the Tribal Police have already been notified, the supervisor must inquire whether the Tribal Police have been notified. If the Tribal Police have not been notified, the supervisor will instruct the Surveillance employee to do so immediately. Assuming the Surveillance employee has notified Tribal Police, he/she will describe the incident to the notified supervisor. Immediately after the incident is over the operator will make an S-2 incident report and create a tape/CD ROM dub of the incident for immediate release to Tribal Police.
7. All Surveillance employees and all Surveillance supervisors have a duty to cooperate with Tribal Police regarding an open police investigation to the fullest extent possible. Failure to do so could result in obstruction charges under LTBB's Criminal Code [Waganakising Odawak Tribal Code § 9.107(I)(1)].